

VZCZCXRO1928
PP RUEHPW
DE RUEHBUL #0010/01 0040915
ZNR UUUUU ZZH
P 040915Z JAN 09
FM AMEMBASSY KABUL
TO RUEHC/SECSTATE WASHDC PRIORITY 6592
INFO RUCNAFG/AFGHANISTAN COLLECTIVE PRIORITY

UNCLAS SECTION 01 OF 03 KABUL 000010

SIPDIS
SENSITIVE

KABUL FOR COS USFOR-A; STATE FOR SCA/FO, SCA/A, DRL, PMA,
INL
NSC FOR JWOOD
OSD FOR MCGRAW
CG CJTF-82, POLAD, JICCENT

E.O. 12958: N/A
TAGS: [PGOV](#) [AF](#) [PREL](#) [PHUM](#)
SUBJECT: AFGHAN INDEPENDENT HUMAN RIGHTS COMMISSION ISSUES
REPORTS CONDEMNING INSURGENT TERROR TACTICS; CHIDING
COALITION FORCES ON CIVILIAN CASUALTIES

KABUL 00000010 001.4 OF 003

1. (SBU) SUMMARY. In two simultaneously released reports, the Afghan Independent Human Rights Commission (AIHRC) strongly condemned Taliban and other insurgents' intimidation and killing of civilians and presented a relatively balanced analysis of civilian deaths due to coalition and Afghan National Security Forces (ANSF) military operations. In the report concerning coalition forces, the AIHRC claimed the coalition over-relied on airstrikes and failed to investigate thoroughly and report back to affected communities on civilian casualty incidents, but also clearly stated that it found no systematic attempts by pro-government forces to violate their international obligations of care to civilians. Afghan media reported widely on the reports' publication, but civil society groups have been slow to react to the findings.

Report on Insurgent Abuses: Deliberate and Systematic Attacks
on Civilians and Government Institutions

2. (U) On December 23 AIHRC rolled out the two reports with a press conference attended by most Afghan television stations and major print publications. The reports are available in English, Dari, and Pashto on AIHRC's website at www.aihrc.org.af.

3. (SBU) "Insurgent Abuses against Afghan Civilians" is hard-hitting in its criticism of insurgent actions, describing how Taliban and other insurgents deliberately attack civilians in order to weaken support for the Afghan government. The AIHRC characterizes these actions as a campaign of "intimidation and murder." The report gives specific examples of Taliban atrocities and details general patterns of abuses and their resulting effect on Afghan society. Taliban and other anti-government actors "systematically terrorize the civilian population with 'night letters,' kidnappings, executions (often by beheading) and other crimes." Taliban often start by leaving a threatening letter during the night warning an individual or community to desist from a certain action, such as working for the government. If the subject of this "night letter" does not heed the warning, the Taliban will often kidnap or kill the person. The report notes, "The simple act of being a civil servant or being friendly with government officials is frequently seen as enough to justify an attack." One man in Zabul told AIHRC, "in Zabul province almost everybody who works for, or maintains links in any way with the government has been issued night letters or phone call threats.8

¶4. (SBU) The AIHRC argues that insurgent attacks affect not only the immediate victim but the entire civilian population. Insurgents target and kill government officials, decreasing the government's ability to provide services and eroding public confidence in government officials and agencies. Murdering aid workers prevents whole communities from receiving much needed humanitarian assistance. Similarly Taliban regularly attack hospitals and schools, depriving the population of education and medical care.

¶5. (SBU) The report concludes with the following recommendations to Taliban and other insurgent leadership, the Afghan government, Afghan and international military forces, religious organizations and leaders, and other influential figures:

Taliban/Other Insurgent Leadership

- Cease all attacks that spread terror and intentionally target civilians
- Instruct members to cease distributing night letters and abducting, shooting, beheading, hanging, and mutilating civilians
- Cease taking refuge in residential areas
- Cease spreading interpretations of religious law that inaccurately justify and call for intimidation and killing of civilians

Afghan Government

- Hold accountable those who order and carry out serious violations of international humanitarian law

Afghan and International Military Forces

- Provide the highest degree of civilian protection possible
- Train Afghan Army and Police officers in international human rights standards and international humanitarian law

KABUL 00000010 002.3 OF 003

- Ensure all counter-insurgency activities are conducted in such a way as to minimize civilian harm

Islamic Associations, Clergy, Scholars, and other Influential Figures

- Publicly condemn Taliban and other insurgent action that harms civilians and is contrary to religious and international humanitarian law
- Publicly declare that causing collateral harm to civilians is not compatible with Sharia law
- Express concern to the Taliban and other insurgents about the detrimental effects of intentionally targeting civilian resources, such as schools, medical clinics, humanitarian aid projects, supply lines, and development projects

Report on Pro-government Forces: Lack of Coordination and Inadequate Response

¶6. (SBU) The AIHRC's report "From Hope to Fear: An Afghan Perspective on Operations of Pro-Government Forces in Afghanistan," focuses on two issues: civilian deaths and injuries from air strikes and residents' anger due to house searches. According to UNAMA, airstrikes accounted for 25 percent of all civilian casualties in 2008. The report questions coalition forces' heavy reliance on airstrikes instead of ground operations and expresses concern that lack of coordination among different pro-government forces and between pro-government forces and local government officials leads to preventable civilian casualties.

¶7. (SBU) The AIHRC criticizes the conduct of pro-government forces in the aftermath of civilian casualty incidents. The report specifically cites slow or inadequate investigations, failure to make public the results of investigations and/or translate public announcements into local languages, and the absence of timely acknowledgment of any misconduct or civilian losses.

¶18. (SBU) The report highlights and criticizes a pattern of search operations conducted by unidentified pro-government forces, as affected families have no way to protest the action of unknown operatives. The report details allegations that pro-government forces in some incidents stole property such as cash or jewelry. The AIHRC also expressed concern over the lack of female military personnel to conduct searches of women.

¶19. (SBU) Despite the number of criticisms leveled against the conduct of pro-government forces, the report's language is neutral and objective in describing the subject of many emotional and non-objective public commentaries, including the August 22 Shindand civilian casualty incident. For example, AIHRC investigations confirmed at least some armed opposition in the village, supporting the claim made by international military authorities that airstrikes were called in to support ground troops under attack. The report mentioned that only 13 fighters were found dead at the scene, but acknowledged that other combatants may have fled by the time investigators arrived. The report, rather than directly criticizing the mission's objective, questioned whether alternative tactics could have achieved the mission goal with fewer civilian casualties. The report's strongest criticism was focused on the international military forces, after-incident actions, specifically unexplained revisions of civilian death estimates and not releasing investigation details to the public.

¶10. (SBU) On a related front, AIHRC reports that it has received an increasing number of complaints about ANSF misconduct and civilian casualties resulting from ANSF-only operations. Statistics on casualties caused by ANSF are unavailable because most operations are conducted jointly with international military forces.

¶11. (SBU) In order to minimize future civilian casualties the AIHRC recommends coalition forces:

- Improve coordination among pro-government forces in planning and conducting operations in order to reduce errors due to faulty or misunderstood intelligence
- Engage local officials as much as possible in order to better authenticate intelligence and assessments about the local situation

KABUL 00000010 003.3 OF 003

- Initiate prompt and thorough investigations of any incident of alleged civilian casualties and publicly release details of findings and evidence
- Offer a public apology to families or communities suffering civilian casualties due to pro-government military operations
- Clarify chains of command of those conducting night raids in order to allow residents to complain of misconduct to the appropriate authorities
- Avoid night raids whenever possible in favor of regular law enforcement-led search and arrest procedures

AIHRC: Poised to Follow up

¶12. (SBU) The AIHRC meets monthly with US military leadership at Bagram and will schedule additional meetings with US and NATO officials to discuss the reports' specific findings and recommendations. AIHRC Commissioner Nader Naderi said a NATO official contacted AIHRC with a positive response to the reports, emphasizing the differentiation made between the "systematic" abuses of the Taliban and the deeply regrettable but unintentional civilian casualties caused by pro-government forces.

¶13. (SBU) Naderi was encouraged by a recent NATO directive calling for increased coordination between ANSF and international military forces. In addition, he sees the projected increase in US troops as a positive development.

More troops will mean less need for airstrikes, leading to fewer civilian casualties. Naderi re-emphasized the importance of translating the results of civilian casualty investigations into Dari and Pashto as a key step to improving public understanding of these incidents. He asked for Embassy support for this goal.

¶14. (SBU) Naderi noted the preparation of the insurgent report was the more difficult of the two as the public was much more hesitant to give AIHRC investigators information regarding Taliban abuses. As AIHRC investigators examined Taliban incidents, they also needed to take more extensive security precautions, such as using public transportation and traveling without identifying documents.

Reaction Muted but Positive from Civil Society Actors

¶15. (SBU) Nilofar Sakhi, human rights activist and country director for the Open Society Institute (OSI) had reviewed the reports, thought they were extremely well done and important, but had not heard much discussion of them among civil society actors. OSI will host several meetings over the next month with human rights stakeholders including donors and Afghan civil society groups. Sakhi added discussion of the two reports to the meetings' agendas and will distribute the reports in advance to attendees. During the upcoming meetings she plans to ask Afghan civil society stakeholders to pressure the government, religious leaders, and other influential leaders to comply with the reports' recommendations.

¶16. (SBU) Mahbooba Seraj, Equal Access NGO program manager, also had not heard specific discussion of the reports. Civilian casualties, however, are of great importance to the Afghan public, and people are very angry about the increasing numbers of civilian casualties. It is often difficult to assess what really happened in each situation: for example, if bad intelligence information was deliberately passed or if casualties were the result of a friendly fire accident, she noted. For this reason the reports' suggestions of more detailed, prompt, and local language publicizing of investigation results is of utmost importance, Seraj said.

WOOD